

E-FILED 11/13/07

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

YU YANG,

Plaintiff,

v.

MICHAEL CHERTOFF, et al.,

Defendants.

Case Number C 06-07595 RS

ORDER RE DISMISSAL

On September 19, 2007, the Court heard oral argument on the parties' cross-motions for summary judgment in this action. At the hearing, the Court stated its intent to grant plaintiff's motion, and to deny defendants' motion, in conformance with the results in many other similar cases in this District issued both before and after that hearing. *See, e.g., Dong v. Chertoff*, 2007 WL 2601107 (N.D. Cal. Sept. 6, 2007) (holding delay in processing I-485 application of close to two years unreasonable as a matter of law); *Gelder v. Chertoff*, 2007 WL 902382 at *3 (N.D. Cal. March 22, 2007) (holding that a more than two year delay in processing unreasonable as a matter of law); *Clayton v. Chertoff*, 2007 WL 2904049 at * 6 (N.D. Cal. Oct. 1, 2007) (recognizing that courts within the district have adopted two years as an unreasonable amount of time.).

1 Before a written decision on the motions issued, defendants filed notice that plaintiff's
2 application for adjustment of status has now been approved. Accordingly, it appears that this
3 action is now moot and should be dismissed on that basis. If plaintiff believes otherwise, he may
4 file a brief stating his reasons in opposition to dismissal within twenty calendar days of the date
5 of this order. Should plaintiff file such a brief, defendants may file a response within 10 court
6 days thereafter, and the matter will be submitted for decision without oral argument. If plaintiff
7 does not file an opposition to dismissal, this action will automatically be dismissed on the 21st
8 day after this order is filed.

9
10 IT IS SO ORDERED.

11 Dated: 11/13/07


RICHARD SEEBORG
United States Magistrate Judge

1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY**
2 **PROVIDED TO:**

3 **Counsel for Plaintiff(s)**

4 Melanie Lea Proctor Melanie.Proctor@usdoj.gov, tiffani.chiu@usdoj.gov

5 Counsel are responsible for distributing copies of this document to co-counsel who have not
6 registered for e-filing under the court's CM/ECF program.

7 **AND A COPY OF THIS ORDER HAS BEEN MAILED TO:**

8 Yu Yang
9 1901 Halford Avenue
10 Apt #3
11 Santa Clara, CA 95051

12 Dated: November 13, 2007

13 /s/ BAK
14 Chambers of Magistrate Judge Richard Seeborg